

DEPARTMENT OF SOCIAL SERVICES

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January 14, 1986

ALL-COUNTY INFORMATION NOTICE NO. I-05-86

TO: ALL COUNTY WELFARE DEPARTMENTS
ALL COUNTY PROBATION DEPARTMENTS
ALL COUNTY COUNSELS

SUBJECT: 1985 CHAPTERED LEGISLATION - CHILD WELFARE SERVICES

The following information summarizes some issues related to child welfare services (CWS) which were addressed in bills enacted into law during 1985 and which became effective on January 1, 1986. This summary is for informational purposes and is in addition to the description of more significant issues and implementation steps addressed in other specific All-County Letters and All-County Information Notices regarding recently enacted child welfare services legislation.

Chapter 302 (S.B. 425)

Chapter 302 amends the Welfare and Institutions Code (WIC) to permit the court to appoint county counsel to represent a minor when there is no conflict of interest between the county and the minor involved. Chapter 302 also amends WIC Section 366.25(d) pertaining to permanency planning hearings by deleting the terms "adoptable/unadoptable", and substituting the phrase "it is likely (or not likely) that the minor can or will be adopted."

Chapter 528 (A.B. 2415)

Chapter 528 amends Civil Code Section 232 and WIC Section 350 to specify certain circumstances under which the testimony of a minor may be taken in chambers and outside the presence of the minor's parent(s) or guardian(s) during a termination of parental rights or dependency proceeding, provided that counsel for the parent or guardian is present.

Chapter 1262 (S.B. 757)

Chapter 1262, among other things, adds new Penal Code Section 11166.1 to specifically require a law enforcement agency to report to the county welfare department (CWD) of its investigation of a suspected child abuse case within 36 hours of commencing that investigation. The CWD is then required for each

such investigation to prepare an evaluation of what action(s) would be in the child's best interest. This evaluation must be submitted in writing to the District Attorney on or before the completion of the investigation. The CWD's recommendations and the reasons for those recommendations also must be made accessible to the defendant or his or her attorney.

Chapter 1341 (S.B. 932)

Chapter 1341 amends WIC Sections 356, 358, and 358.1 and adds new WIC Section 356.5 to provide for consideration by the court in a dependency proceeding of any study or evaluation of the child done by a court appointed child advocate. A child advocate is defined as a person having the same duties and responsibilities as a guardian ad litem, representing the interests of the child in a dependency proceeding, and having been trained by and functioning under the auspices of a court appointed special advocate guardian ad litem program.

Chapter 1548 (A.B. 1360)

Chapter 1548 amends WIC Section 300 to declare legislative intent that a parent's physical disability should not be the focus of the court's deliberations in deciding dependency actions brought under WIC Section 300(a).

Chapter 1598 (A.B. 505)

Chapter 1598, among other things, adds Penal Code Section 11165.6 to specifically define "licensing agency" and "unfounded report" as follows:

"'Licensing Agency' means the State Department of Social Services office responsible for the licensing and enforcement of the California Community Care Facilities Act and the California Child Day Care Act... or the county licensing agency which has contracted with the State for performance of those duties."

"'Unfounded Report' means a report which is determined by a child protective agency investigator to be false, to be inherently improbable, to involve an accidental injury, or not to constitute child abuse as defined in Section 11165."

Chapter 1598 also adds Penal Code Section 11166.2 to require a child protective agency to report by telephone to the appropriate licensing agency any known or suspected instances of child abuse (other than general neglect, which is reportable only to the CWD), occurring in or involving the licensee or staff of a child day care or community care facility. The telephone report must be made as soon as practically possible and must be followed up with a written report.

Additionally, Chapter 1598 amends Penal Code Section 11169 to specify that a child protective agency should not forward to the Department of Justice (DOJ) those reports of child abuse which have been investigated and determined to be "unfounded", as defined in Penal Code Section 11165.6. Further, if a report

has been filed with the DOJ, and subsequently proves to be unfounded, the agency must notify the DOJ of that fact.

Chapter 1598 also amends Penal Code Section 11166.5 to specify that child protective agency support or maintenance staff who do not work with, observe, or have knowledge of children within their work duties, are excluded from the requirement that a child protective agency employee must sign a statement acknowledging awareness of and agreement with the child abuse reporting law.

Copies of the above described statutes are available upon request. If you have any questions regarding the issues involved, please contact your Adult and Family Services Operations consultant at (916) 445-0623.



LOREN D. SUTER
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cc: CWDA